

Filed for intro on 02/24/97  
SENATE BILL 1787 By  
Jordan

HOUSE BILL 1729  
By Sands

AN ACT to amend Tennessee Code Annotated, Title 64, relative to  
the creation of the Maury County Water Projects Authority.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 64, Chapter 1, is amended by adding  
Sections 2 through 11 as a new Part 12:

SECTION 2. (a) There is hereby created the Maury County Water Projects Authority to  
exercise the powers hereinafter granted in and with respect to all portions of Maury County  
making up the Duck River basin and its tributaries.

(b) The Maury County Water Projects Authority, hereinafter cited as the "authority", shall  
be a body politic and corporate.

SECTION 3. (a) The authority shall be governed by a board of directors consisting of  
eight (8) members.

(b) Members of the board of directors shall be citizens of Tennessee and residents of  
Maury County.

(c) The eight (8) members of the board of directors shall be appointed as follows:

(1) Two (2) members appointed by the county commission, initially one (1) for a  
two (2) year term, and the other for a four (4) year term;

(2) One (1) member appointed by the Columbia city council for a four (4) year  
term;

**\*51585199\***

51585199

**\*003202\***

\*00320228\*

(3) One (1) member appointed by the Columbia board of public utilities for a four (4) year term;

(4) One (1) member appointed by the Spring Hill city council for a four (4) year term;

(5) One (1) member appointed by the Mt. Pleasant city council for a four (4) year term;

(6) One (1) member appointed by the Tennessee wildlife resources agency for a two (2) year term; and

(7) One (1) member appointed by the governor for a two (2) year term.

(d) Terms of members of the board shall be four (4) years, except that in the initial appointments four (4) members shall be appointed to two (2) year terms and four (4) members shall be appointed to four (4) year terms as provided in subsection (e).

(e) A vacancy shall be filled by the body making the appointment for the remainder of the unexpired portion of the term.

(f) The board shall elect a chair for a term of two (2) years and such other officers as the board finds necessary.

(g) Members of the board may be reappointed up to two (2) terms, and any officer of the board may be reelected without limitation.

(h) The board shall meet at least quarterly in Columbia, but may meet at such other times and places as the board may determine. An emergency meeting may be called by the chair on the chair's own initiative or upon petition by a majority of the board. Any meeting may be suspended by a majority of the board.

(i) A quorum of the board, which shall be five (5) members, shall be necessary for the transaction of any business.

(j) Members of the board should represent a broad cross-section of the residents of Maury County, including individuals with interests in wildlife, environmental issues, water resources, industry, business, agriculture and labor.

SECTION 4. The board may employ an executive director and such other persons as it deems necessary to carry out the purposes hereinafter stated. The salary of such employees may be paid out of such funds as may be available to the authority from any source. The board may procure directors' and officers' liability insurance to protect members of the board from suits relative to the performance of their duties. The executive director shall be the custodian of funds belonging to the authority, and shall keep such records and accounts as may be required by the board. The executive director shall also execute a corporate surety bond as prescribed by the board.

SECTION 5. The authority is hereby specifically authorized and empowered to do any and all things necessary or desirable in forming and executing a plan for the comprehensive development of the Duck River watersheds in Maury County, including, but not limited to, action in cooperation, when necessary or desirable, with appropriate local, state and federal agencies, in the fields of agriculture, forestry, drainage and flood control, land reclamation, electric power utilization, irrigation, water conservation and supply, recreation, public health, education, manufacturing and trade. For those purposes the authority shall:

- (1) Have succession in its corporate name;
- (2) Sue and be sued in its corporate name;
- (3) Adopt and use a corporate seal;
- (4) Establish, amend and repeal bylaws, and make all rules and regulations deemed expedient for the management of its corporate affairs;
- (5) Make contracts and execute instruments containing such terms, provisions and conditions as, in the judgment of the board of directors, may be necessary, proper or advisable in the exercise of the powers herein conferred upon it, including, but not

limited to, contracts for grants, loans or other assistance from any federal agency and contracts with corporations, associations or individuals, for construction which works for furtherance of any development project, and may carry out and perform the terms and conditions of all such contracts or instruments;

(6) If funds are available, acquire by purchase or lease or by gift or by condemnation, property of any kind, real or any interest therein, that the board deems necessary to the exercise of its powers or functions, provided that acquisition by condemnation shall be limited to land, rights in land, including leaseholds and easements, and water rights in any watershed project contained in Maury County on the Duck River or its tributaries that, if taken for channel improvement along an unimpounded portion of such river and stream system, lie within the present flood plain of the mainstream or of a tributary of the Duck River. The amount and character of interests in land, rights in land and water rights to be acquired shall be determined by the board of directors, which determination shall be final;

(7) Only issue its bonds with the approval of the county commission and its appropriations of funds to pay for such bonds from time to time for the purpose of paying, in whole or in part, the cost of the acquisition of necessary land or interest therein and the development of the resources of the Duck River watershed in Maury County, and expenses incidental thereto; and may secure such bond appropriation by revenues made by the county commission;

(8) Arrange with any city, county, municipality or supplier of utilities for the abandonment, relocation or other adjustment of roads, highways, bridges and utility lines;

(9) Enter into contracts with the Columbia Water System for the treatment and distribution of potable water within Maury County and the surrounding area for the

municipal, domestic, agricultural or industrial use, or any other services, facilities or commodities that the authority may be in a position to supply;

(10) Enter into contracts with municipalities, corporations, other public agencies or political subdivisions of any kind, or with others, for the sale of water from reservoirs in the Duck River systems in Maury County under its control for municipal, domestic, agricultural or industrial use, or any other services, facilities or commodities that the authority may be in a position to supply;

(11) Develop reservoirs and shoreline lands for recreational use and provide for their operation or use for this purpose directly or by concessionaires, lessees, or vendees of shoreline lands;

(12) Sell or lease shoreline lands acquired in connection with development of the Duck River system in Maury County for uses consistent with the authority's development plans and subject to such restrictions as the authority deems necessary for reservoir protection and to such requirements as to:

(A) Character of improvements and activities on the land; and

(B) Time within which such improvements or activities shall be undertaken as the authority deems appropriate to its overall development plans;

(13) Manage or operate reservoirs or shoreline lands of reservoirs owned by the United States under appropriate agreements with the federal agency or agencies having custody and control thereof; and

(14) Have the authority to set and collect fees for any and all permissible use of these properties.

SECTION 6. (a) The authority's power of eminent domain may be exercised under Tennessee Code Annotated, Title 29, Chapter 16, and any amendments thereto, or pursuant to any other applicable statutory provisions, now in force or hereafter enacted, for the exercise of the power of eminent domain.

(b) At any time on or after the filing of a petition for condemnation of property, and before the entry of final judgment, the authority may file with the clerk of the court in which the petition is filed a declaration of taking, signed by the duly authorized officer or agent of the authority declaring that all or part of the property described in the petition is being taken for the use of the authority. The declaration of taking shall be sufficient if it sets forth:

(1) A description of the property, sufficient for the identification thereof, to which there may be attached a plat or map thereof;

(2) A statement of the estate or interest in property being taken; and

(3) A statement of the sum of money estimated by the authority to be just compensation for the property taken.

(c) From the filing of the declaration of taking and the deposit in court to the use of the persons entitled thereto of the amount of the estimated compensation stated in the declaration, title to the property described as being taken by the declaration shall vest in the authority, free from the right, title, interest or lien of all parties to the cause. Such property shall be deemed to be condemned and taken for the use of the authority, and the right to just compensation for the same shall vest in the persons entitled thereto. Upon the filing of the declaration of taking, the court shall designate a day, not exceeding twenty (20) days after such filing, except upon good cause shown, on which the persons in possession shall be required to surrender possession to the authority.

(d) The ultimate amount of compensation shall be determined pursuant to Tennessee Code Annotated, Title 29, Chapter 16. If the amount so fixed exceeds the amount so deposited in the court by the authority or otherwise paid to the persons entitled thereto, the court shall enter judgment against the authority in the amount of such deficiency, together with interest at the legal rate on such deficiency from the date of the vesting of title to the date of entry of the final judgment; subject, however, to abatement for use, income, rents or profits derived from such property by the owner after the vesting of title in the authority. The court shall order the

authority to deposit the amount of such deficiency in court. Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of just compensation to be awarded in such proceedings. Interest shall not be allowed on so much of the just compensation as shall have been paid into court with the declaration of taking. In case the amount deposited in court by the authority as the estimated compensation for the property shall exceed the amount of the final award of judgment, such excess shall be returned to the authority.

(e) As an alternative to the procedure provided in subsections (a) through (d), the authority may file in the court where condemnation proceedings of the authority are pending an application for a writ of possession, which the court shall, upon the authority's posting a bond with the clerk of the court in such amount as the court may deem commensurate with the value of the property condemned, order that a writ of possession shall issue immediately or as soon and upon such terms as the court, in its discretion, may deem proper and just.

SECTION 7. When title to land or rights of land are held by the authority, such lands are exempt from all taxes levied by the state or any of its political subdivisions, except lands that are held for residential or business development purposes. All other property and activities of the authority shall be for public, recreational, and sporting purposes.

SECTION 8. All agencies of the state of Tennessee are hereby authorized, empowered and directed to extend their cooperation and assistance to the authority in the formulation and implementation of its program of development.

SECTION 9. The authority is further authorized to cooperate with the Tennessee Valley Authority, the United States Army Corps of Engineers, American Soil Conservation Service, and any other appropriate agency in a study of engineering works as part of plans for comprehensive development of the Duck River watershed in Maury County; and in a study of the economic effects of such works in terms of agricultural production, industrial locations, trade, land values and county and state tax revenues; to ascertain the availability of, and to

obtain to the extent possible, commitments from local interests for financial contributions toward the cost of constructing, operating and maintaining such works; to negotiate with the Tennessee Valley Authority, the United States Army Corps of Engineers, American Soil Conservation Service, and any other appropriate agency regarding assistance by that agency in planning and financing such works; to report to the governor and the speakers on plans that may be developed for constructing, operating and maintaining the projects, including recommendations for further legislation to put such plan into effect; and to cooperate with other groups authorized to investigate state participation in federal water projects.

SECTION 10. (a) Maury County and any city or town in Maury County is hereby authorized and empowered to contribute to the work of the authority any amount or amounts as recommended by the authority which their respective governing bodies, acting in their sole discretion, shall approve to be paid from the general fund of the respective county or city.

(b) The county legislative body and the governing bodies of such cities or towns shall be empowered to levy and collect ad valorem taxes for such purposes, which are hereby declared to be for municipal and county public purposes.

(c) No state funds shall be obligated or expended by the authority except as are specifically appropriated for that purpose.

SECTION 11. In addition to, or as an alternative to the tax levy discussed in Section 10, the authority is authorized to charge fees for the use of any lands owned by the authority or for the sale of any water from any reservoir owned, constructed and/or operated by the authority.

SECTION 12. This act shall take effect upon becoming a law, the public welfare requiring it.